

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

MELVIN COCHRAN,

Plaintiff,

v.

CIVIL ACTION NO. 2:17-cv-04312

WARDEN DAVID BALLARD, et al.,

Defendants.

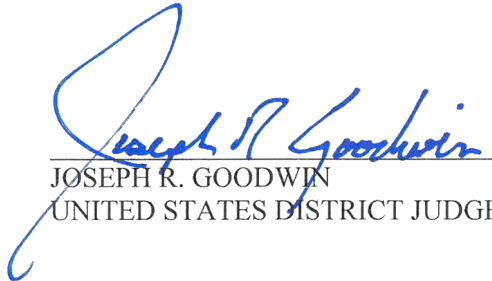
ORDER

This action was referred to United States Magistrate Judge Cheryl A. Eifert for submission to this court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). On November 9, 2018, Magistrate Judge Eifert submitted her Proposed Findings of Fact and Recommendation [ECF No. 31] (“PF&R”), recommending that the court deny in part and grant in part the Defendants’ Motion for Judgment on the Pleadings [ECF No. 23]. Seeing no objections, this court adopted the PF&R in its entirety. On December 3, 2018, the plaintiff filed a letter with the court explaining that he never received service of the PF&R and asking for an additional objection period. Finding good cause, the court vacated the order [ECF No. 32] and granted an additional objection period. The second period has expired, and no objections to the PF&R have been filed.

Accordingly, the court **ADOPTS** and **INCORPORATES** herein the PF&R. For the reasons stated therein, the court **GRANTS in part** and **DENIES in part** the Defendants' Motion for Judgment on the Pleadings [ECF No. 23]. The court **DENIES** the Motion as to the plaintiff's claims for equitable relief and **GRANTS** the motion as to the plaintiff's claims for monetary damages.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record, any unrepresented party, and the Magistrate Judge.

ENTER: December 27, 2018



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE